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SUBJECT: APPEALS COURT ACQUITS FOUR KUWAITI YOUTH WHO  
TRAVELED TO IRAQ FOR JIHAD

REF: A. KUWAIT 1594

[¶](#)B. 05 KUWAIT 1908  
[¶](#)C. 04 KUWAIT 2742

[¶](#)1. (U) On June 26, Judge Saleh Al-Muraishid of Kuwait's Appeals Court acquitted four men -- Fahed Al-Mutairi, Dhari Al-Zahamil, Abdullah Al-Shimmari, and Zayed Al-Enezi -- of charges of entering Iraq to fight U.S.-led coalition forces. The four were extradited from Syria in 2004 and convicted and fined in May 2005 (refs B and C). Although all were tried as adults, three of the four were minors when arrested and maintained that they were duped by terror supporters and financiers.

[¶](#)2. (U) The court also overturned the decision of the Court of First Instance (the first court to hear and determine disputes) which set aside the conviction and three-year sentence of four men accused of supporting jihad in Iraq: Nasser Al-Mutairi, Mohammed Al-Mutairi, Mishal Al-Dhafeeri, and Nafel Al-Dhafeeri. The cases have been returned to the Criminal Court for a final verdict.

[¶](#)3. (U) The Public Prosecutor had sought to appeal the convictions of six men -- Adel H. Al-Shimmari, Khaled Al-Dossari, Hamed Al-Harbi, Ahmed Al-Otaibi, Salem Al-Otaibi, and Rajih Al-Ajmi -- arguing that the three-year sentences were too light. Judge Al-Muraishid dismissed the appeal because prosecutors did not file in a timely manner.

[¶](#)4. (U) The Appeals Court deferred consideration of the Public Prosecutor's appeal of the verdicts against eight other individuals pending a ruling by the Constitutional Court on the constitutionality of Article 56 of the Penal Code. In a separate case, the Appeals Court Chief referred in early May several of the Peninsula Lions cases to the Constitutional Court for a decision on the constitutionality of the charges relating to collaboration to commit a crime (ref A). The same law was used to indict Mohammed L. Al-Mutairi, Shalal S. Al-Dhafeeri, Adel Al-Dhafeeri, Ahmed Neghaimish, Fayed Al-Azimi, Ahmed M. Al-Mutairi, Mutlaq Abdel Hadi Al-Ajmi, and Mishari Al-Hammad, thus the deferral.

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